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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,123	07/08/2003	Bradley D. Schweigert	KMC-585	2211
<div>7590 Darrell F. Marquette 2201 W. Desert Cove Phoenix, AZ 85029</div>			<div>EXAMINER HUNTER, ALVIN A</div>	
			<div>ART UNIT 3711</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/616,123

Applicant(s)

SCHWEIGERT ET AL.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5 and 13-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 13-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 17-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the above claims the applicant uses the language "substantially parallel to a surface". Claims are considered indefinite because applicant names a number of surfaces within the claim. What surface is the above language referring to? For examination purposes, "a surface" will be interpreted as the outer surface of the weight member.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4, 5, and 13-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beebe et al. (USPN 6186903) in view of Yoneyama (JP 10-277186) and Nishitani (JP 2001-190720).

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Regarding claim 1, Beebe et al. discloses a iron-type club head comprising a body having affront face arranged for impact with a golf ball, a back face, a heel portion, and a toe portion; a hosel connected to the heel portion of the body wherein the hosel has a longitudinal axis; a perimeter weighting element protruding rearwardly from the front face defining a primary cavity in the back face wherein the primary cavity has a bottom surface and the primary cavity includes a top rail extending between the heel and toe portions along an upper portion of the body and wherein the perimeter weighting element includes a sole extending between the heel and toe portions along a lower portion of the body; an interior wall extending from a first end connected to the perimeter weighting element adjacent the body heel portion through the primary cavity between the top rail and the sole to the second end connected to the perimeter weighting element adjacent the body tow portion defining an elongated secondary cavity within the primary cavity and wherein the interior wall being integrally formed on the bottom surface of the primary cavity Land extending from the bottom surface of the primary cavity in a direction that is substantially perpendicular to the longitudinal axis of the hosel thereby forming an included angle between the interior wall and the bottom surface of the cavity and the interior wall having a height dimension that varies between the first and second ends thereof with the height dimension of the interior wall being greater at the second end than at the first end (See Figures !-9 and Columns 2 and 3). (See Figure in office action dated 5/10/06)

It is unclear if the angle disclosed by Beebe et al. is an acute angle.

Yoneyama discloses a club head having a wall between the interior wall of the cavity

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and the bottom surface of the cavity being an acute angle (See Figures 2 and 4).

Yoneyama discloses making the cavity deeper such that the axial center is parallel to the ground. One having ordinary skill in the art would have found it obvious to have a wall between the interior wall of the cavity and the bottom surface of the cavity being an acute angle, as taught by Yoneyama, in order to enhance the ease of swingthrough and inertia moment upon hitting a golf ball. If applicant is in doubt, of the angle taught by Yoneyama, Nishitani discloses deepening the a wall between the interior wall of the cavity and the bottom surface of the cavity and shows the wall between the interior wall of the cavity and the bottom surface of the cavity being an acute angle in which the doing so further lowers the center of gravity. No motivational statement is necessary for Nishitani being that it is only being used to show that the cavity structure of Yoneyama facilitates adjustment of the moment of inertia.

Regarding claim 4, see illustration above regarding claim 1.

Regarding claim 5, Beebe et al. discloses the weight adjustment member being selected from a plurality of weight adjustment members of different weights. (See Column 3, lines 16 through 37).

Regarding claim 13, Beebe et al. discloses the secondary cavity comprising a first inner surface forming a lower extremity of the secondary cavity and a second inner surface forming an upper extremity of the secondary cavity, wherein each of the first and second inner surfaces extending between the first and second ends and being substantially parallel to a surface when the iron type golf club head is in contact with the surface via the sole.

Regarding claim 14, Beebe et al. discloses the secondary cavity being elliptical.

Regarding claim 15, Beebe et al. discloses the secondary cavity configured to support at least one weight adjustment member selected from one of a plurality of weight adjustment members, each of which being associated with at least one of a plurality of shafts (See Column 3, lines 15 through 47).

Regarding claim 16, Beebe et al. discloses a notch formed on the hosel.

Regarding claim 17, see the above regarding claims 1, 13, and 15.

Regarding claim 18, see the above regarding claim 1.

Regarding claim 19, see the above regarding claim 14.

Regarding claim 20, see the above regarding claim 15.

Regarding claim 21, see the above regarding claim 1.

Regarding claim 22, see the above regarding claim 16.

Regarding claim 23, see the above regarding claims 1, 13, and 15.

Regarding claim 24, see the above regarding claim 13.

Regarding claim 25, see the above regarding claim 1.

Regarding claim 26, see the above regarding claim 14.

Regarding claim 27, see the above regarding claim 1.

Regarding claim 28, see the above regarding claim 15.

Regarding claim 29, see the above regarding claim 16.

### ***Response to Arguments***

Applicant's arguments filed 11/10/06 have been fully considered but they are not persuasive. Applicant argues that Beebe et al. does not teach the interior wall being

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perpendicular to the longitudinal axis of the hosel. The examiner disagrees. Beebe et al. shows the cavity extending in the toe and heel direction, which is in a plane extending substantially perpendicular to the longitudinal axis of the hosel (evident from figure 7). It is not require that the acute angle be a direct result from the perpendicular relationship. There are two planes perpendicular to the longitudinal axis of the hosel. See additional reference with respect to the acute angle. Applicant argues that the additional modification would destroy the reference. The examiner disagrees. Beebe et al. is concern with the hosel adjustment. Deepening the center of gravity would not destroy how the hosel would be adjusted. Further, Applicant does not describe how the modifications would destroy the reference. Because of such it is believed the rejection is proper.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 571-272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached at 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH

Alvin A. Hunter, Jr.

  
EUGENE KIM  
SUPERVISORY PATENT EXAMINER